

MILMAN LABUDA LAW GROUP PLLC

3000 MARCUS AVENUE

SUITE 3W8

LAKE SUCCESS, NY 11042

TELEPHONE (516) 328-8899
FACSIMILE (516) 328-0082

April 15, 2024

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Pamela K. Chen, U.S.D.J.
225 Cadman Plaza East
Courtroom 4F North
Brooklyn, NY 11201-1804

Re: IME WatchDog, Inc. v. Gelardi, et al.
Case No.: 1:22-cv-1032 (PKC) (JRC)
MLLG File No.: 25-2022

Dear Judge Chen:

This office represents the Plaintiff IME WatchDog, Inc. (“Plaintiff”) in the above-referenced case. Plaintiff respectfully seeks reconsideration of the Court’s Order issued today permitting Defendants’ counsel to contact the Gucciardo Law Firm (“Gucciardo”) for the purpose of defending Plaintiff’s contempt motion. Plaintiff respectfully requests that Plaintiff’s counsel be required to be on any call placed by Defendant’s counsel to Gucciardo.

Defendants do not dispute that they attended an independent medical examination (“IME”) on behalf of the Gucciardo on April 20, 2023. Defendants’ only defense is that they believe they are permitted to communicate with and serve customers on the Enjoined Customer List if said customers are “no longer” customers of Plaintiff. Based on Defendants’ erroneous understanding of this Court’s Order, in its April 15, 2024 Order, the court correctly concluded that “[g]iven that the [Gucciardo] is clearly listed on the enjoined customer list, (see Dkt. [299-2]), Defendants’ arguments on this point [that they were permitted to contact Gucciardo] are perplexing at best.”

Nevertheless, the Court is permitting Defendants’ counsel to contact Gucciardo for the purpose of defending against Plaintiff’s contempt motion. Given the absence of any dispute that Defendants violated this Court’s March 27, 2023 Order by attending an IME for Gucciardo on April 20, 2023, there is absolutely no basis for which Defendants’ counsel needs to communicate with Gucciardo. Simply stated, there is nothing Gucciardo can provide as the IME report (ECF Docket Entry No. 288-1) establishes that Defendants attended the IME on April 20, 2023 and Defendants do not dispute same.

Gucciardo is Plaintiff’s current client. Plaintiff is significantly concerned that it will lose Gucciardo as a customer if Defendants’ counsel contacts Gucciardo, creating further irreparable harm.

Defendants have nothing to lose and have done, and will do anything, to cause Plaintiff to lose customers. Defendants have blatantly violated the March 27, 2023 Order and should not be rewarded with the opportunity to cost Plaintiff yet another customer.

Accordingly, Plaintiff respectfully requests that the Court grant its motion for reconsideration and prohibit Defendants' counsel from contacting Gucciardo. In the event the Court denies Plaintiff's motion, Plaintiff respectfully requests that Plaintiff's counsel should be required to be on any call placed by Defendant's counsel to Gucciardo.

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Jamie S. Felsen, Esq.

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.

cc: All Counsel of Record